

Part 2

Utah Geological Survey

79-3-201 Establishment of survey within the department -- General supervision of the survey.

The survey is established within the department under:

- (1) the administration and general supervision of the executive director; and
- (2) the policy direction of the board.

Renumbered and Amended by Chapter 344, 2009 General Session

79-3-202 Powers and duties of survey.

- (1) The survey shall:
 - (a) assist and advise state and local agencies and state educational institutions on geologic, paleontologic, and mineralogic subjects;
 - (b) collect and distribute reliable information regarding the mineral industry and mineral resources, topography, paleontology, and geology of the state;
 - (c) survey the geology of the state, including mineral occurrences and the ores of metals, energy resources, industrial minerals and rocks, mineral-bearing waters, and surface and ground water resources, with special reference to their economic contents, values, uses, kind, and availability in order to facilitate their economic use;
 - (d) investigate the kind, amount, and availability of mineral substances contained in lands owned and controlled by the state, to contribute to the most effective and beneficial administration of these lands for the state;
 - (e) determine and investigate areas of geologic and topographic hazards that could affect the safety of, or cause economic loss to, the citizens of the state;
 - (f) assist local and state agencies in their planning, zoning, and building regulation functions by publishing maps, delineating appropriately wide special earthquake risk areas, and, at the request of state agencies or other governmental agencies, review the siting of critical facilities;
 - (g) cooperate with state agencies, political subdivisions of the state, quasi-governmental agencies, federal agencies, schools of higher education, and others in fields of mutual concern, which may include field investigations and preparation, publication, and distribution of reports and maps;
 - (h) collect and preserve data pertaining to mineral resource exploration and development programs and construction activities, such as claim maps, location of drill holes, location of surface and underground workings, geologic plans and sections, drill logs, and assay and sample maps, including the maintenance of a sample library of cores and cuttings;
 - (i) study and analyze other scientific, economic, or aesthetic problems as, in the judgment of the board, should be undertaken by the survey to serve the needs of the state and to support the development of natural resources and utilization of lands within the state;
 - (j) prepare, publish, distribute, and sell maps, reports, and bulletins, embodying the work accomplished by the survey, directly or in collaboration with others, and collect and prepare exhibits of the geological and mineral resources of this state and interpret their significance;
 - (k) collect, maintain, and preserve data and information in order to accomplish the purposes of this section and act as a repository for information concerning the geology of this state;
 - (l) stimulate research, study, and activities in the field of paleontology;

- (m) mark, protect, and preserve critical paleontological sites;
 - (n) collect, preserve, and administer critical paleontological specimens until the specimens are placed in a repository or curation facility;
 - (o) administer critical paleontological site excavation records;
 - (p) edit and publish critical paleontological records and reports; and
 - (q) by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, seek federal grants, loans, or participation in federal programs, and, in accordance with applicable federal program guidelines, administer federally funded state programs regarding:
 - (i) renewable energy;
 - (ii) energy efficiency; and
 - (iii) energy conservation.
- (2)
- (a) The survey may maintain as confidential, and not as a public record, information provided to the survey by any source.
 - (b) The board shall adopt rules in order to determine whether to accept the information described in Subsection (2)(a) and to maintain the confidentiality of the accepted information.
 - (c) The survey shall maintain information received from any source at the level of confidentiality assigned to it by the source.
- (3) Upon approval of the board, the survey shall undertake other activities consistent with Subsection (1).
- (4)
- (a) Subject to the authority granted to the department, the survey may enter into cooperative agreements with the entities specified in Subsection (1)(g), if approved by the board, and may accept or commit allocated or budgeted funds in connection with those agreements.
 - (b) The survey may undertake joint projects with private entities if:
 - (i) the action is approved by the board;
 - (ii) the projects are not inconsistent with the state's objectives; and
 - (iii) the results of the projects are available to the public.

Renumbered and Amended by Chapter 344, 2009 General Session

79-3-203 Director of survey -- Designation as state geologist -- Qualifications -- Duties and authority.

- (1) The director is:
- (a) the executive and administrative head of the survey; and
 - (b) designated the state geologist.
- (2) The director's qualifications shall include:
- (a) graduation from a recognized university; and
 - (b) demonstrated competency in:
 - (i) the science of geology; and
 - (ii) administration.
- (3)
- (a) The director administers the survey for the benefit of the public.
 - (b) A person may not call upon or require the director or his associates to enter upon any special survey for the benefit of that person.

- (4) The director, subject to review by the board and approval by the executive director of the department, may initiate cooperative agreements with private companies or parties or state or federal agencies to carry out the provisions of this chapter.

Renumbered and Amended by Chapter 344, 2009 General Session

79-3-204 Personnel of survey -- Employment -- Restrictions -- Salaries and benefits.

- (1) The director, after consultation with the board and approval by the executive director, shall select, employ, or contract for qualified individuals and services required to carry out the provisions of this chapter within the authorized programs and within the allocated and budgeted funds.
- (2)
 - (a) Persons retained on a contract basis act in the capacity of independent contractors and are not subject to the Utah State Personnel Management Act.
 - (b) Each contract written for the services described in Subsection (1) shall include the information in this Subsection (2).
- (3)
 - (a) An employee of the survey may not:
 - (i) have an interest in lands within the state that creates a conflict of interest harmful to the goals and objectives of the survey; or
 - (ii) obtain financial gain by reason of information obtained through work as an employee of the survey.
 - (b) The board shall resolve questions regarding potential conflicts and financial gain.
 - (c) For permanent employees, the restriction in Subsection (3)(a) is terminated at the end of a two-year period following termination of service or, with respect to information which is confidential and not a public record, for however long the information is classified as confidential and not a public record, whichever period of time is longer.
 - (d) The time periods established in Subsection (3)(c), which can be modified only after publication of the data, apply to contractors or consultants employed on special problems.
- (4)
 - (a) A survey employee may not engage in outside or private work which is or can be in conflict with the operations, goals, and objectives of the survey.
 - (b) The board shall resolve issues regarding outside or private work by a survey employee.
- (5) Survey personnel are paid in accordance with state salary schedules and are subject to state benefit and retirement programs.

Renumbered and Amended by Chapter 344, 2009 General Session

79-3-205 Investigatory powers and immunities of survey personnel.

- (1) Authorized survey personnel, after providing reasonable notification and identification, have the right to enter all lands subject to the police power of the state for the purpose of securing geologic, topographic, and mineral and water resource information or specimens and samples required by the survey in fulfillment of its objectives.
- (2) Survey personnel are immune from trespass while engaged on official business.

Renumbered and Amended by Chapter 344, 2009 General Session